

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

U.S. DISTRICT COURT

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FILED

James H. Hodson, III,
Petitioner

V.

Marilyn Brooks,
Respondent

C.A. No. 05-92 Erie

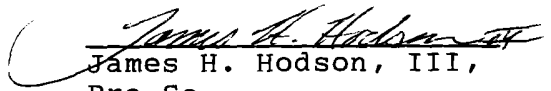
Request for an Evidentiary Hearing

AND NOW, this 20th Day of April, 2006, comes the Petitioner, James H. Hodson, III, Pro Se, and respectfully requests that this Honorable Court order an Evidentiary Hearing pursuant to Rule 8 of the Rules Governing Section 2254 Cases in the United States District Courts. The reasons for this request are as follows:

1. The Petitioner alleges that his Fifth Amendment Constitutional rights were violated when he did not receive his Miranda Warnings prior to custodial interrogation.
2. The Petitioner alleges that Trial Counsel was ineffective in failing to pursue a Suppression Hearing to exclude his incriminating Statement from being entered into evidence.
3. The District Attorney of Crawford County has waived the "procedural default" defense to these claims.
4. The facts underlying the Petitioner's claims would be sufficient to establish that, but for Constitutional error, no reasonable factfinder would have found the Petitioner guilty of the underlying offense.

WHEREFORE, the Petitioner believes that he is entitled to a meaningful opportunity to develop and present the facts necessary to reveal the illegality of his confinement.

Respectfully submitted,


James H. Hodson, III,
Pro Se

Cc: File. District Attorney of Crawford County